



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

**DEC 06 2017**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Jay Lawniczak, Sr. Environmental Engineer  
Charter Steel  
4300 East 49<sup>th</sup> Street  
Cuyahoga Heights, OH, 44125

Re: Finding of Violation  
Charter Steel  
Cuyahoga Heights, OH

Dear Mr. Lawniczak:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Charter Steel (you) under Section 113 (a)(3) of the Clean Air Act, 42 U.S.C. § 7413 (a)(3). We find that you are violating 40 C.F.R. Parts 60, 63, and 70 at your Cuyahoga Heights, Ohio facility.

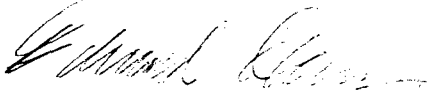
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Muhammed Shuaibi. You may call him at (312) 353-2075 or shuaibi.muhammed@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward Nam", is written over a horizontal line.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Bob Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Charter Steel  
Cuyahoga Heights, OH

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)  
) **FINDING OF  
VIOLATION**  
)  
)  
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) **EPA-5-18-OH-01**  
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Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7413 et seq.

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Finding of Violation under Section 113(a)(3) of the Clean Air Act (the Act), 42 U.S.C. § 7413 (a)(3).

**Statutory and Regulatory Background**

**National Emission Standards for Hazardous Air Pollutants**

1. Section 112 of the Act, 42 U.S.C. § 7412, requires the EPA to promulgate a list of all categories and subcategories of new and existing “major sources” and “area sources” of hazardous air pollutants (HAP) and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA codified these standards at 40 C.F.R. Parts 61 and 63.
2. “Major source” is defined as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” 42 U.S.C. § 7412(a)(1).
3. “Area source” is defined as “any stationary source of hazardous air pollutants that is not a major source.” 42 U.S.C. § 7412(a)(2).
4. “Stationary source” is defined as “any building, structure, facility, or installation, which emits or may emit any air pollutant.” 42 U.S.C. § 7411(a)(3).
5. “Hazardous air pollutant” is defined as “any air pollutant listed in or pursuant to” Section 112(b) of the Act. 42 U.S.C. § 7412(a)(6).

6. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.
7. 40 C.F.R. Part 63, Subpart A, contains the General Provisions applicable to the NESHAPs.
8. The Subpart A, General Provisions at 40 C.F.R. § 63.6(e)(1)(i) provide that the owner or operator must operate and maintain an affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions at all times.

#### NESHAP for Electric Arc Furnace (EAF) Steelmaking Facilities

9. Pursuant to Section 112 of the Act, EPA promulgated the NESHAP for EAF Steelmaking Facilities at 40 C.F.R. Part 63, Subpart YYYYYY, 40 C.F.R. §§ 63.10680-63.10692, on December 28, 2007. *See* 72 Fed. Reg. 74,111 (Dec. 28, 2007).
10. The NESHAP at 40 C.F.R. Part 63, Subpart YYYYYY, applies to an owner or operator of an EAF steelmaking facility that is an area source of HAP emissions. *See* 40 C.F.R. § 63.10680(a).
11. Table 1 of 40 C.F.R. Part 63, Subpart YYYYYY, incorporates 40 C.F.R. § 63.6(e)(1) by reference.

#### New Source Performance Standards

12. Section 111(b) of the Act, 42 U.S.C. § 7411(b), requires EPA to publish a list of categories of stationary sources and, within a year after the inclusion of a category of stationary sources in the list, to publish proposed regulations establishing federal standards of performance for new sources within the source category. These emission standards are known as the New Source Performance Standards (NSPS). EPA codified these standards at 40 C.F.R. Part 60.
13. 40 C.F.R. Part 60, Subpart A (NSPS Subpart A), contains the General Provisions for the NSPS.
14. 40 C.F.R. § 60.11(d) of the NSPS General Provisions states that at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

#### NSPS for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

15. On October 31, 1984, EPA promulgated the Standards of Performance for Steel Plants: Electric Arc Furnaces (EAF) and Argon-Oxygen Decarburization Vessels Constructed

After August 17, 1983 at 40 C.F.R. Part 60, Subpart AAa (Subpart AAa). *See* 49 Fed. Reg. 43,845 (Oct. 31, 1984).

16. Subpart AAa applies to EAFs that commenced construction, modification, or reconstruction after August 17, 1983. *See* 40 C.F.R. § 60.270a(b).

#### Charter Steel's Title V Permit

17. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program (Title V Permit Program). On August 15, 1995, 60 Fed. Reg. 42,045, EPA granted Ohio final approval of its Title V Permit Program, effective October 1, 1995.
18. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
19. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any area source located in a state that has received whole or partial approval of its Title V program.
20. The Ohio Environmental Protection Agency (OEPA) issued a final Air Pollution Title V Permit (Title V Permit), No. P0111767, to the Facility on February 05, 2013.
21. The Title V Permit includes a set of emission unit specific conditions (Condition C).
22. Condition C.8(c)(2) states that “the capture system shall be designed and operated such that all emissions are captured and ducted to the dropout chamber and then to the baghouse. The capture system for the emissions unit shall include a common canopy hood and roof control system. The emissions from the furnace roof vent to the dropout and then to the meltshop baghouse.”

#### Relevant Factual Background

23. Charter Steel owns and operates a steel mini-mill at 4300 E. 49<sup>th</sup> Street, Cuyahoga Heights, Ohio (the Facility). The Facility includes, among other things, an area referred to as “the melt shop.”
24. Charter Steel operates one EAF in the melt shop. The melt shop contains a scrap car door on the western wall of the melt shop.
25. The facility is an area source of HAPs and is therefore subject to NESHAP YYYYYY, 40 C.F.R. §§ 63.10680-63.10692.
26. The EAF was constructed after August 17, 1983 and is therefore subject to NSPS AAa, 40 C.F.R. §§ 60.270a-60.276a.
27. On September 25, 2012, Charter Steel and the EPA agreed to an Administrative Consent Order (ACO), EPA Order No. EPA-5-12-113(a)-OH-03.

28. The ACO, among other things, required the Facility to modify "the existing canopy area to better contain and evacuate emissions".
29. Charter Steel represented that it complied with the ACO by installing a scavenger hood in the western portion of the melt shop (west hood) on December 4, 2013.
30. On July 25, 2017, the EPA conducted an inspection of the Facility. EPA observed emissions from the EAF during charging leaving through the scrap door, uncaptured by both the canopy and west hood.
31. Following the inspection, EPA requested information and documents from Charter Steel. On July 31, 2017, Charter Steel provided the requested information and documents to EPA.

### **Violations**

32. Based on EPA's inspection and review of the information provided by Charter Steel, Charter Steel is in violation of the Act, by failing to capture and duct all emissions to the dropout chamber and then to the baghouse, Charter Steel has violated, and continues to violate the operational restrictions at Condition C.(8)(c)(2) of the Title V Permit, and Section 502(a) of the Act, 42 U.S.C. § 7661a.
33. By failing to operate and maintain the melt shop air pollution control system in accordance with good air pollution control practices, Charter Steel violated, and continues to violate the NSPS General Provisions 40 C.F.R. § 60.11(d), the Subpart A, General Provisions of the NESHAP, 40 C.F.R. § 63.6(e)(1)(i), Section 111(e) of the Act, 42 U.S.C. § 7411(e), and Section 112 of the Act, 42 U.S.C. § 7412.

### **Environmental Impact of Violations**

34. The Facility's violations have potentially caused excess emissions of PM. Particulate matter, especially fine particulates contain microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
  - irritation of the airways, coughing, and difficulty breathing;
  - decreased lung function;
  - aggravated asthma;
  - chronic bronchitis;
  - irregular heartbeat;
  - nonfatal heart attacks; and
  - premature death in people with heart or lung disease.

Date

12/6/17

Edward Nam

Director

Air and Radiation Division

**CERTIFICATE OF MAILING**

I certify that I sent a Finding of Violation, No. EPA-5-18-OH-01, by Certified Mail,

Return Receipt Requested, to:

Jay Lawniczak, Senior Environmental Engineer  
Charter Steel  
4300 East 49<sup>th</sup> Street  
Cuyahoga Heights, OH 44125

I also certify that I sent copies of the Notice of Violation by email to:

Bob Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio EPA  
bob.hodanbosi@epa.ohio.gov

David Hearne  
Division of Air Quality  
Department of Public Health  
dhearne@city.cleveland.oh.us

On the 8<sup>th</sup> day of December 2017.

Kathy Jones

Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 6623